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On 12/30/02

TOWNSEND and TOWNSEND and CREW LLP

By: Kristi Cope

**PATENT**  
Attorney Docket No.: 14740A-000620US  
Client Ref. No.: TSRI519.1Div/SCR2296P

**RECEIVED**

JAN 09 2003

TECH CENTER 1600

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

J. Gregor Sutcliffe et al.

Application No.: 09/766,396

Filed: January 18, 2001

For: CORTISTATIN: NEUROPEPTIDES,  
COMPOSITIONS AND METHODS

Examiner: Robert Clinton Hayes

Art Unit: 1647

RESPONSE TO RESTRICTION  
REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Responsive to the Office action mailed October 1, 2002, for which a two month extension of time to reply is requested in the accompanying transmittal, Applicants hereby submit the following election without traverse.

**THE REQUIREMENT:**

Claims 3-19 are pending. The Action restricts the invention into eight groups as follows:

- I. Claims 1-2 & 20, drawn to mammalian cortistatin, and pharmaceutical compositions thereof, classified in class 530, subclass 399 - now cancelled.
- II. Claims 3-6, drawn to nucleic acids encoding cortistatin, vectors, and host cells, classified in class 435, subclass 325.
- III. Claims 7 & 15-16, drawn to oligonucleotide primers, classified in class 536, subclass 24.33.

01/07/2003 NHOHAMI 00000014 201430 09766396

01 FC:1252 410.00 CH

Adjustment date: 01/08/2003 NHOHAMI  
01/07/2003 NHOHAMI 00000014 201430 09766396

01 FC:1252 410.00 CR

01/08/2003 NHOHAMI 00000139 201430 09766396

01 FC:1252 400.00 CH

- IV. Claims 8-9, drawn to antibodies of cortistatin, classified in Class 530, subclass 387.1.
- V. Claims 10 & 13, drawn to methods of detecting cortistatin in a sample comprising use of antibodies, and kits thereof, classified in Class 435, subclass 7.1.
- VI. Claims 11-12, drawn to methods of detecting cortistatin in a sample comprising detecting nucleic acids, and kits thereof, classified in Class 435, subclass 6.
- VII. Claim 14, drawn to a method of detecting mutations in a cortistatin gene that comprises expansion of a CTG domain through nucleotide sequencing, classified in class 435, subclass 6.
- VIII. Claims 17-19, methods of inducing sleep in a mammal comprising administering cortistatin, classified in Class 514, subclass 2.

Applicants elect to prosecute the invention of Group IV, Claims 8-9, drawn to antibodies of cortistatin, classified in Class 530, subclass 387.1. This election is made without traverse.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



William Schmonsees  
Reg. No. 31,796.

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Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)


Approved for use through 10/31/2002. OMB 0651-0031


U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> JAN 06 2003 (to be used for all correspondence after initial filing)	Applicant Number	09/766,396	
	Filing Date	January 18, 2001	
	First Named Inventor	Sutcliffe, J. Gregor	
	Group Art Unit	1647	
	Examiner Name	Robert Clinton Hayes	
Total Number of Pages in This Submission	4	Attorney Docket Number	14740A-000620US

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Response to Restriction Requirement <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm and Individual name	Townsend and Townsend and Crew LLP William Schmonsees Reg. No. 31,796
Signature	
Date	December 30, 2002

CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: December 30, 2002		
Typed or printed name	Kristi Coplin	
Signature		Date December 30, 2002

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PA 3274140 v1

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# FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 400

Complete if Known

Application Number 09/766,396  
Filing Date January 18, 2001  
First Named Inventor Sutcliffe, J. Gregor  
Examiner Name Robert Clinton Hayes  
Group Art Unit 1647  
Attorney Docket No. 14740A-000620US

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## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number

20-1430

Deposit  
Account  
Name

Townsend and Townsend and Crew LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	740	2001	370	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	510	2003	255	Plant filing fee	
1004	740	2004	370	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$ )

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fees from below		Fee Paid
	-** =		X		X	
Independent Claims	-** =		X		X	
Multiple Dependent			X		X	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ )

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	400	2252	200	Extension for reply within second month	400
1253	920	2253	460	Extension for reply within third month	
1254	1,440	2254	720	Extension for reply within fourth month	
1255	1,960	2255	980	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,280	2453	640	Petition to revive - unintentional	
1501	1,280	2501	640	Utility issue fee (or reissue)	
1502	460	2502	230	Design issue fee	
1503	620	2503	310	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	740	2809	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	740	2810	370	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	740	2801	370	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$400)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	William Schmonsees	Registration No. (Attorney/Agent)	31,796.	Telephone	650-326-2400
Signature				Date	December 30, 2002

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